

U.S. DISTRICT COURT
FOR DISTRICT OF BOSTONSteven L Smith,
plaintiff

vs

Barnstable Superior Court
Commonwealth of Mass
Governor Charles Baker
Judge Gilda
Def. Lober
Attorney Ryan J. Matthews

Docket

U.S. DISTRICT COURT
FOR DISTRICT OF BOSTON

M1 SEP 22 PM 4:00

Date - 9-18-21
~~RECEIVED~~Under U.S.C. 42 & 1983
CIVIL COMPLAINT

- (1) Plaintiff has been held Pre-Trial since 7-5-2018 At Barnstable County Jail 6000 Sheriff Place, Bourne, MA 02532
- (2) Defendants are officials of the state of Massachusetts Police officer that arrested me, and my former Attorney, The Judge that declared I'm Incapacitated, and The Governor that oversees the Court system.
- (3) Plaintiff has filed a few lawsuits: SMITH vs Lewis CV 3120-30173 (KAR) SMITH vs Lober and SMITH vs Barnstable County. Lewis is pending. The other two were dismissed.

FILED
IN CLERK'S OFFICE

II

Complaint

1) In November 2021, I asked my 5th court appointed ATTORNEY, Ryan J. Matthews, to prepare and File An O'DELL MOTION, on The grounds/ Facts the Commonwealth gained an indictment on child Rape with false and misleading presentment! Namely:

(1) The Alleged Victim called 911 and claimed he awoke with my mouth on his "junk."

(2) He was taken to Hospital, told Nurses he had not washed off and 6 swabs taken of "his junk" This was 7-5-2018. (See Attached)

(3) On 8-21-2018 The Criminatists Report Results showed No DNA on "his junk" (See ENCLOSED)

(4) The arresting Det. Luber withheld both The Hospital Form 2B and the above Crime lab report until Dec 2018.

(5) She then came to the grand jury 1-4-2019 and assisted A.D.A. Patterson exclude these Reports by referring to Form A (See Enclosed/ ATTACHED/)

"An exam" took place!

(6) This cology took place: A.D.A. Patterson: Was there an exam

of Connor's genital region

III

Det. Lobur: Yes!

ADA Patterson: And was any semen or
seminal fluid detected?

Det. Lobur: NO!

The D.A.

(7) ERBO, WITH WHS DIRECTION The D.A.,
AND ARRESTING COP EXCLUDED The FACT,
IN A DEAL RAPe, THAT NO SALIVA
WAS DETECTED YET Complainant called
911 and WHS examined SOON AFTER.
AND SMS He did NOT wish OFF!

8) Det. Lobur Also, twice, testified that our
phone texts/records matched per a phone
expert or were similar when in fact
she knew the Accuser destroyed 95% of
his phone records. She also withheld the
phone dump discs for 5 months... And
when she turned over these discs - The
Accuser's was encrypted and needed the
software in Det. Lobur's sole possession.

(9) 2 1/2 years after my arrest, my 4th
ATTORNEY, MATTHEW SCHMITT, wrote to
The ADA Patterson: "Kindly ask the
police to provide the software to
access the accuser's disc."

As argued in Smith vs Labor and Smith vs Barnstable Covert, none of the 5 Attorneys appointed to me would file a motion to dismiss on these grounds. None were willing to hold the corrupt cop and unethical D.A. accountable.

(10) Lynn J. Mathews attempted to file a motion to dismiss that gave the officer a good faith argument that she "did not look" at the phone when she testified and made no mention of the A.D.A. Patterson's unethical presentation that excluded the fact NO SALIVA was on his pink yet he was swabbed 6 times! And had not washed off. (See Attached)

(11) I decided to represent myself to file my own motion to dismiss.

(12) Lynn soon raised issue of my "incompetency" yet Dr. Ingber at B.S.H. found me competent. So he attacked her on cross - that she must be incompetent as unsupervised and inexperienced in doing evals. The Judge ^{GILDEN} sided against Dr. Ingber and found me incompetent. Basically sentencing me WITHOUT A TRIAL TO 10 YEARS!!

IV

(13) Russ J. Matthews wrote and told me He would file to Dismiss under MBL 123 16(f) until he learned & sued him in Federal Court. He waited 9+ months of my life trying to get me found to be incompetent so I could not file my own MOTION TO DISMISS!! And Judge Gilda let him!

(14) I have another Lawyer. Mr. Rick Barry of Cotuit. He came up and said, Ryan Blow smoke up your ass. Under MBL 123 16(f) you can be held, without trial, for 1/2 the maximum sentence you could have got if you went to trial - which is 10 years.

(15) He said "Let's get you back to W.R.C.H and find you competent so we can go to trial" and I will file an Odell Motion" I said, EXCUSE me - But the court has found me Incompetent and I've read the case laws - I should have my case dismissed. He said OK. And prepared a one page MOTION - He quoted DR Dismissal - That I am "certainly" impaired -

VI

(16) Mr. Barry's Motion to Dismiss had
No chance to succeed as it need
to be permanently incompetent under
M.G.L. 123 16(f) to have my case
dismissed. (See opposite side)

(17) However, it did not matter. As he
"forgot" to file an Affidavit so the
Court did not adjudicate or hear
it yesterday. And MR. BARRY tried,
with DA Patterson, to get me back
to W.R.C.H. to get me found
Competent.

(18) Here, I never wanted to be
diagnosed in the first place yet soon
as I insisted to represent myself,
Ryan Matthews Raised issue with
my Competence. I am 100% -200%
Competent. Ryan Matthews did not want
to be responsible for me filing a
MOTION TO DISMISS that would hold
the Cop and D.A. PATTERSON to Account
for their perjury and Unethical grand
JURY presentation!!

VII

on 9/16/21

(19) In court, Mr. Barry told me that ADA told him to file an O'Dell Motion and he would dismiss the Rose case. But first, I must be found competent for him to file it. SORE.

(20) IF THE MOTION he filed under M.G.L. 123 16(F) (opposite) is any indication of the O'Dell he will file - then my chances of success are slim to none!! Because I highly doubt he will include the Facts - and my prior ACTIONS have included the DNA evidence and Hospital Reports that were not shown to the Grand Jury. (As I shall attach to this) wherefore, I ask this Court to TAKE ACTION AND INTERVENE as the STATE OF MASSACHUSETTS is VIOLATING my CONSTITUTIONAL RIGHT TO ADEQUATE COUNSEL / AND denying me my RIGHT TO REPRESENT myself. Because if I refuse to allow a lawyer represent me - they have to get me found incompetent when I agree to be represented by their cell at court

VIIISee over

Lawyer - I am deemed Competent!!
 But the EVIDENCE "Speaks" for
 ITSELF. The EVIDENCE IS NOT either
 INCOMPETENT OR INCOMPETENT - IT
 REMAINS FIXED.

YET The Lawyers have kept the Judge
 from ADJUDICATING IT FOR 3 1/2 years.
 The BOTTOM line is - This 16 year old
 is a Liar - He called 911, made the
CRAZY claim my math was on his
Junk. The Police Det. lobbed refused to
TALK to ME. TOOK me here 3 1/2 years
AGO. (STOLE my DOB.) AND TOOK him
 TO HOSPITAL FOR 6 SUBS. When it
 CAME BACK NO DNA on him: she
WITHHELD THE REPORTS. Then Came and
TESTIFIED SP AS TO EXCLUDE THIS STATE
EVIDENCE!! And NOT A SINGLE Lawyer
has done anything to get me out!
Since 7-5-2018 I seek A JURY TRAIL
AND 10 MILLION DOLLARS!

Steven L Smith
 # 716070
 Barnstable Jail

See over 

BARNSTABLE, SS

COMMONWEALTH OF MASSACHUSETTS
CLERKS OFFICE
FILED

2021 SEP 22 PM 12:22
SUPERIOR COURT
INDICTMENT 1972CR00005 COURT
U.S. DISTRICT OF MASS.

COMMONWEALTH)
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V.)
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STEVEN L. SMITH)
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This is A
MOTION TO TRAIL
NOT
DISMISS !!

MOTION TO DISMISS PURSUANT TO MGL C. 123 SEC. 16(f)

Now comes the Defendant in the above captioned matter and moves this honorable court to dismiss the above captioned matter pursuant to MGL C 123 Sec 16(f). The Defendant has been in custody since January 31, 2019 initially on being declared Dangerous, then on Bail, and currently held on Bail and being deemed incompetent. Justice Gildae declared the Defendant incompetent after a hearing on March 25, 2021 and ordered that a further competency evaluation be performed at the Worcester Recovery Center And Recovery Hospital. Dr Andrea Dinsmore opines in her April 28, 2021 Competency Evaluation:

I concur with the Court Mr. Smith's current presentation is currently impairing his ability to effectively communicate with counsel to form a defense and has impaired his rational appreciation for his legal situation, as his thinking is so clouded by his paranoia and narcissism that he is unable to parcel the reality based information and appreciate the potential impact that it may have on his case.

It should be noted that the current counsel is the seventh attorney assigned to Mr Smith's case and it appears that he has been incompetent since the inception of these indictments. Therefore, the

*The Reality is The DATA evidence.
o Hospital Reports a Unethical
Grand Jury presentment!*